

EX PARTE OR LATE FILED  
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July 5, 1995

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

By Hand

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

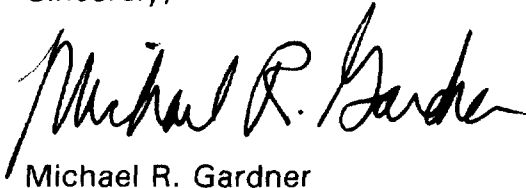
Re: Ex Parte Presentation  
Local Multipoint Distribution Service  
CC Docket No. 92-297

Dear Mr. Caton:

Enclosed is an amended submission to the Chairman and Commissioners in the above-referenced proceeding on June 30, 1995. Some of the copies filed may have inadvertently omitted the attached chart. Thus, enclosed are two (2) copies of the complete submission.

Please direct any questions regarding this matter to the undersigned.

Sincerely,

  
Michael R. Gardner

Enclosures

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List A B C D E

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**THE LAW OFFICES OF  
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June 30, 1995

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**JUL - 5 1995**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY**

**By Hand**

Chairman Reed E. Hundt  
Commissioner James H. Quello  
Commissioner Andrew C. Barrett  
Commissioner Susan Ness  
Commissioner Rachelle B. Chong  
Federal Communications Commission  
Washington, DC 20056

Re: Local Multipoint Distribution Service  
CC Docket No. 92-297, Ex Parte Presentation

Dear Chairman and Commissioners:

In an effort to provide adequate spectrum for the nationwide deployment of the Local Multipoint Distribution Service ("LMDS"), the diverse group of parties listed below (the "Joint Parties"), are submitting the enclosed 28 GHz compromise plan which is consistent with the Commission's WRC plan adopted on June 15. However, in an effort to advance a spectrum efficient 28 GHz band plan that promotes vigorous inter-service competition and robust use of auctioned spectrum, the revised 28 GHz plan is not dependent on co-frequency sharing between LMDS and FSS, and relies on primary/secondary designations advocated by satellite interests. Importantly, under this plan:

- LMDS receives 950 MHz of contiguous spectrum from 27.5-28.45 GHz that is essential for the competitive deployment of this new service;
- Teledesic receives the 400 MHz it twice formally has requested of the Commission for its domestic service in its application, as amended (see Application of Teledesic Corporation for a Low Earth Orbit Satellite System in the Fixed Satellite Service, March 21, 1994, as amended, December 30, 1994); and
- The various spectrum needs of other satellite proponents seeking to utilize the 28 GHz band, including Hughes and Motorola IRIDIUM, are addressed and satisfied in accordance with the Commission's WRC vote of June 15.

In considering the enclosed spectrum plan, the Commission should appreciate the fact that this revised plan allows LMDS's video, telephony and data service to be immediately deployed nationwide, while still providing the certainty of spectrum requested by various proposed satellite systems.

Letter to Chairman Hundt and Commissioners

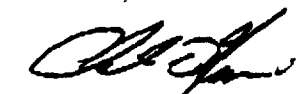
June 30, 1995


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The enclosed plan also ensures the maximum use of the 28 GHz band by providing for secondary allocations in particular band segments under certain conditions. Specifically, any secondary allocation could not become operational before a fixed date when the service with the primary allocation in that particular band segment is expected to become operational.


Sincerely,


  
Philip Electronics  
North America Corporation  
Patrick J. Greeney  
Senior Vice President


  
M/A-COM, Inc.  
Charles D. Kleener  
Vice President & General Manager

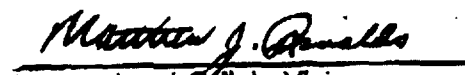
  
AEL Industries, Inc.  
Joe Klepachick  
President  
Microwave Antenna Division


  
Titan Information Systems  
Frederick L. Judge  
President & Chief Executive Officer

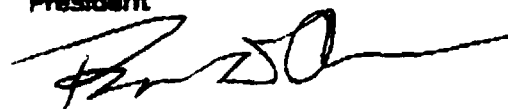
  
mm-Tech, Inc.  
Charles S. Brand, President

  
Logimetrics, Inc.  
Murray H. Fegenbaum  
President

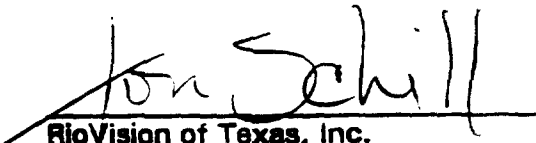
  
Darrin Technologies  
Drake Darrin  
President

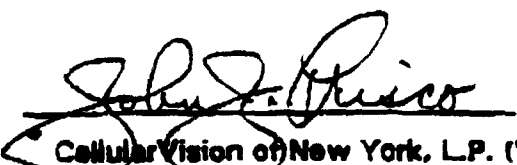
  
International Cellular Vision  
Association  
Matthew J. Rinaldo  
President

  
Cellular Vision Technology &  
Telecommunications, L.P.  
Shant Hovnanian  
President

  
Bell Atlantic Corporation  
Brian D. Oliver  
Vice President  
Corporate Development

Letter to Chairman Hundt and Commissioners  
June 30, 1995  
Page 3

  
RioVision of Texas, Inc.  
Jon Schill  
President

  
Cellular Vision of New York, L.P. ("CVNY")  
John J. Prisco  
President

\* John Prisco, President of CVNY, and on behalf of CVNY's Board of Directors, the only commercially licensed LMDS system in the United States, supports the Joint Parties band segmentation plan, conditional on the Commission's grandfathering of CVNY's 27.5-28.5 GHz commercial multi-cell license, with a full-term license renewal.

Enclosure

cc	William F. Caton	Gregory Rosston
	Blair Levin	Andrew Sinwell
	Karen Brinkmann	Amy Lesch
	Lauren J. Belvin	Scott Blake Harris
	Rudolfo M. Baca	Thomas Tycz
	Lisa B. Smith	Jennifer Gilsenan
	Jane Mago	Donna L. Bethea
	Jill Lockett	Regina Keeney
	James Casserly	Gerald P. Vaughan
	David R. Siddall	Laurence Atlas
	Mary P. McManus	Robert James
	Robert M. Pepper	Susan E. Magnotti
	Donald H. Gips	Michael J. Marcus

## Joint Parties Proposed 28 GHz Compromise

6/30/95

### Option 1:

27.5-27.975	27.975-28.45	28.45-28.85	28.85-29.1	29.1-29.25	29.25-29.5	29.5-30.0
<b>LMDS<sup>1</sup></b> (Primary)	<b>LMDS<sup>1</sup></b> (Primary)	<b>LEO</b> (Primary)	<b>GEO</b> (Primary)	<b>MSS</b> (Motorola) <b>LMDS<sup>1</sup></b> (Co-primary)	<b>MSS</b> (Motorola/TRW) <b>GEO</b> (Co-primary)	<b>GEO</b> (Primary)
<b>GEO or LEO</b> (Secondary) <sup>2</sup>	<b>GEO or LEO</b> (Secondary) <sup>2</sup>	<b>LMDS</b> (Secondary) <sup>2</sup>	<b>LMDS</b> (Secondary) <sup>2</sup>		<b>LMDS</b> (Secondary) <sup>2</sup>	

### Option 2:

27.5-27.975	27.975-28.45	28.45-28.7	28.7-29.1	29.1-29.25	29.25-29.5	29.5-30.0
<b>LMDS<sup>1</sup></b> (Primary)	<b>LMDS<sup>1</sup></b> (Primary)	<b>GEO</b> (Primary)	<b>LEO</b> (Primary)	<b>MSS</b> (Motorola) <b>LMDS<sup>1</sup></b> (Co-primary)	<b>MSS</b> (Motorola/TRW) <b>GEO</b> (Co-primary)	<b>GEO</b> (Primary)
<b>GEO or LEO</b> (Secondary) <sup>2</sup>	<b>GEO or LEO</b> (Secondary) <sup>2</sup>	<b>LMDS</b> (Secondary) <sup>2</sup>	<b>LMDS</b> (Secondary) <sup>2</sup>		<b>LMDS</b> (Secondary) <sup>2</sup>	

<sup>1</sup> The LMDS primary blocks, 27.5-27.975 and 27.975-28.45, and the LMDS co-primary block, 29.1-29.25, will be auctioned individually, but can be aggregated by a single licensee.

<sup>2</sup> Secondary services permissible to the extent they do not cause harmful interference to primary services. Moreover, secondary service cannot be operational before a fixed date when the primary service is expected to be operational.